

ENGLAND AND WALES / JUDGMENT

M v F & Anor

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NEUTRAL CITATION NUMBER: [2026] EWFC 106 (B) THE FAMILY COURT SITTING AT OXFORD
HEARD ON 15TH APRIL 2026 HANDED DOWN ON 13TH MAY 2026 BEFORE HER HONOUR
JUDGE OWENS M And F And A Representation: The Applicant, M, acting in person The First
Respondent, F, acting in person The Second Respondent, A, acting through their rule 16.4
Guardian, NYAS, allocated caseworker Ms Chambers, represented by Ms Porteous, Counsel This
judgment is being handed down in private on 13th May 2025. It consists of 29 pages and has been
signed and dated by the judge. The Judge has given permission for the judgment (and any of the
facts and matters contained in it) to be published on condition that in any report, no person other
than the advocates or the solicitors instructing them (and other persons identified by name in the
judgment itself) may be identified by name, current address or location [including school or
work place]. In particular the anonymity of the children and the adult members of their family
must be strictly preserved. All persons, including representatives of the media, must ensure that
these conditions are strictly complied with. Failure to do so will be a contempt of court. For the
avoidance of doubt, the strict prohibition on publishing the names and current addresses of the
parties and the child will continue to apply where that information has been obtained by using
the contents of this judgment to discover information already in the public domain.

Introduction

1. This case concerns one child, A, who is nearly 17 years old. A's parents are M and F.
2. There is a very long history of litigation concerning A, her parents having been in dispute about arrangements for her since she was about 18 months old. There have been numerous judgments given by other judges in proceedings between 2020 and 2023. The last set of proceedings in 2023 before my colleague, HHJ Lloyd-Jones, resulted in the following orders: a finding that F had breached previous orders, in respect of which he was sentenced to 12 weeks imprisonment suspended until 10th January 2024, to be enforced on proof of breach of any s8 Order of the Children Act before that date; for A to live with M, to only have indirect contact with F by way of letters, gifts or cards no more than once per fortnight; a Prohibited Steps Order (PSO) preventing F from meeting or attempting to meet A or to have any communication with her except as provided in the order; a section 91(14) order preventing either party from making further applications under section 8 of the Children Act 1989 without first obtaining the permission of the Court (this order was made until 26th June 2025 when A turned 16); and a non-molestation order pursuant to section 42 of the Family Law Act 1996 in the same terms as the PSO which was made until 11.59pm on 26 th

June 2025.

3. On 19th June 2025 M applied to extend the PSO to A's 18 th birthday, to extend the non-molestation order similarly, and to continue the child arrangements order for indirect contact between F and A also to A's 18th birthday. HHJ Vincent considered the application on the papers on 25th July 2025 and made a non- molestation order without notice to F and listed the matter for a hearing on 8th September 2025 at which the court would consider the continuation of that order, as well as consider the other applications as part of a First Hearing Dispute Resolution Appointment (FHDRA) at that same hearing on 8th September. CAFCASS was directed to complete safeguarding by 2nd September 2025.
4. At the hearing on 8th September the matter came before me for the first time. I considered joining the child since the provisions of FPR rule 12.3 meant that the respondents to the new applications were the parties to the previous proceedings, the new applications being to vary orders where A had been a party with a rule 16.4 Guardian. CAFCASS had been asked about their capacity to allocate a rule 16.4 Guardian for A, in accordance with PD16A given the lengthy previous proceedings, but had responded to the request indicating that they were unable to indicate a date by which time a CAFCASS Guardian could be allocated and suggested that NYAS be approached instead. NYAS were invited by the Court but needed time to secure public funding and read the files. I listed the matter before me on 31st October 2025 and made directions to join A and appoint NYAS as rule 16.4 Guardian for her, for NYAS to file and serve a position statement setting out A's wishes and feelings about direct and indirect contact with F and her paternal grandmother, the continuation of the current non- molestation order and PSO, and direct and/or indirect contact with her paternal grandmother who was understood to be very ill at this point. F did not oppose the continuation of the non-molestation order and the PSO in the interim, with review of their continuation to be considered at the hearing on 31st October. Notably given the issues in this case, F told me on the 8 th of September that he would be bound by the wishes and feelings of A in relation to contact, hence the limited focus of the NYAS position statement.
5. At the hearing on 8th September F also told me that he intended to write an appropriate letter to A (having not thus far taken up the opportunity of regular indirect contact as permitted by the order made in 2023), and that he would explain to A his wish to restore their relationship.
6. However, the hearing on 31st October 2025 had to be delayed because NYAS had contacted the court to request 14 weeks from the receipt of the court file to enable them to complete their initial enquiries and prepare and file their report. This came to my attention on 30th October, the correspondence having regrettably been overlooked administratively and only noticed by me in preparing for the hearing. I therefore vacated the hearing on 31st October and re-listed it before me on 17th February 2026.

7. At the hearing on 17th February 2026, F opposed the continuation of the non-molestation order and PSO despite A's wishes and feelings as outlined to NYAS. I listed the matter for a limited final hearing on 12th and 13th May 2026, made directions for a reserved written judgment to then be given and formally handed down on 20th May, and specifically directed that the Court would not permit historic issues that had been the subject of previous findings and judgments to be re-litigated at the final hearing. By this point I had also identified that there were no fewer than 14 previous case numbers relating to various proceedings concerning arrangements for A in the court files. I made directions for the relevant previous case papers to be disclosed to NYAS by the Court office, and continued the non-molestation order, PSO and previous Child Arrangements Order (CAO) until the final hearing. I also directed witness statements from the parents setting out whether the PSO should be extended beyond A's 16th birthday and why the case was or was not exceptional, whether the non-molestation order should be extended, and whether a further section 91(14) order should be made. In relation to the latter, I raised this of the Court's own motion given the lengthy history of litigation, considering the provisions of s91A of the Children Act 1989 and Practice Direction 12Q. I also directed that F's statement must address what he has done to address the risks and concerns identified by HHJ Lloyd-Jones in her last judgment in 2023. NYAS was also directed to file and serve by 31st March 2026 a welfare report, to include the position of NYAS on whether the PSO and non-molestation order should be extended and whether a section 91(14) order should be made. Police disclosure was also directed, and I listed the matter for a pre-trial review before me on 15th April 2026. Directions were also made for HMCTS to source a QLR for M to cross-examine F in light of the history, and potentially vice versa if F did not arrange representation because the automatic prohibition on F cross-examining M in person applied given F's relevant previous convictions.
8. By the time of the pre-trial review on 15th April, I had received the NYAS report and the statements of the parents. Regrettably, despite my direction not permitting historic issues to be re-litigated, both statements did in part seek to go back over those issues. Although the hearing had been listed as a pre-trial review, the provisions of PD12B with regard to case managing private law proceedings such as this were relevant. NYAS asked me to summarily determine the applications without the need for a contested final hearing with evidence. I heard submissions from the parties about this, M supporting the NYAS position and F opposing it and suggesting instead that the Court would need to obtain some form of expert psychological or medical evidence about A. Somewhat bizarrely, he also seemed to be arguing that this should be obtained directly by the Court without any application or any of the necessary information required pursuant to Part 25, and at one point appeared to be asking for the final hearing to be delayed to allow for any Part 25 missing information to be obtained.

9. Having heard those submissions, and taking into account the provisions of the overriding objective, PD12B and the authority of *Re A, B and C (Child Arrangements: Final Order at Dispute Resolution Appointment)* [2025] EWCA Civ 55, I determined that it was appropriate to summarily determine the applications without the need to hear evidence and on the basis of the written evidence and oral submissions from the parties. This was because there were no relevant factual disputes that the Court would have to determine in light of the previous findings and the written evidence from each party, and the points that F sought to advance to challenge the NYAS report had no realistic prospect of success given the overwhelming evidence of A's clear wishes and feelings at this point in light of her age and understanding and his clear refusal to accept the previous findings about him or to make any changes since then. The issues to be determined were purely ones of welfare and eminently capable of being dealt with by way of submissions on the written evidence. Also very relevant was the NYAS welfare assessment of the detrimental impact on A of not just the proceedings themselves continuing but also the risk of harm to A by fearing a lack of protection from the actions of F. I took into consideration the complete absence of acceptance by F in relation to the findings made previously against him by other judges, and his complete absence of insight into the harm that his actions had caused in the past and could potentially cause A in the future. I balanced against those considerations the impact on F of not being able to test the evidence of Ms Chambers (there being no need for M to give evidence since she agreed with the NYAS recommendations), but ultimately concluded that this was not necessary or proportionate in light of the absence of need to determine disputed facts and the overwhelming weight of the written evidence about welfare considerations for A, including the previous judgments of my predecessors.
10. I would note that at this point F became very agitated and made veiled threats in the hearing, including that "orders would not be stuck to" and that there would be dire consequences (or words to that effect). He refused to explain what he meant by either comment and fell back on criticising the Court and everyone else for his lack of relationship with A.
11. NYAS had asked me to consider a written judgment even if I summarily disposed of the applications, such judgment to assist A primarily but also to set out clearly what the Court had done and why to assist both M and F and any professionals working with A. I had already concluded that this would be necessary when the contested final hearing had been originally listed, but lack of time on the day and pressures of other work meant that I had to reserve judgment and utilise one of the original final hearing dates for handing down.
12. Prior to judgment being handed down, it was raised in email correspondence dated 28th April 2026 from M that A may be seeking to undertake a 3- or 4-year university course and sought a non-molestation order accordingly. F objected to this being raised after the last hearing, but since the issue of extending the non-molestation order for the duration of A's tertiary education was part of the considerations at the last hearing, this did not amount to a new application but was relevant information that might affect any decision about the

duration of a non-molestation order if made. I determined that the way to deal with the issue was to permit brief oral submissions from all three parties on the issue of the duration of a potential non-molestation order. I could then make a determination and include it in this judgment. However, this issue having arisen between the last hearing and the planned date and time to send parties my written judgment (namely 10am on 13th May 2026), this prevented me from perfecting my judgment until I heard those submissions. Judgment was then duly given after those submissions on the afternoon of 13th May 2026. Parties' Positions

13. M sought continuation of the PSO until A is 18, and her final position at the last hearing was for the non-molestation order to be extended until A had finished university. She agreed with there being a s91(14) order preventing any applications under the Children Act in respect of A, for that order to last until A is 18 years old, and for there to be no notification to her of any application for permission to apply during the currency of that order. As noted above, she also sought for any non-molestation order to cover up to a 4-year university course for A.
14. As I have also noted, F opposed the continuation of the PSO, opposed the extension of the non-molestation order, opposed a section 91(14) order, and wanted the court to order direct contact between A and him, possibly with a continuation of the proceedings to oversee the process, and possibly with some form of expert evidence, though his case about this was not entirely clear from either his written evidence or oral submissions. He did not accept that A's wishes and feelings as captured by NYAS were her true wishes and feelings, continuing to allege as he did in previous proceedings that M has influenced A against him. He opposed the extension of the non-molestation order entirely, irrespective of whether A undertook a 3- or 4-year university course and objected to the issue being raised by M after the last hearing and before this one and being dealt with on brief oral submissions today.
15. NYAS recommended that the PSO should be extended until A reached the age of 18, that the non-molestation order should be extended to cover a period that enabled A to not just complete her A levels but also any university course, and that there should be a section 91(14) order for the remainder of A's minority, with no notice of any leave application being served and the matter being considered on the papers, with any application for leave to apply during the currency of the order reserved to me if available. Relevant legal considerations
16. The court must consider the welfare of the child and that is the court's paramount consideration. The court must apply the relevant aspects of the welfare checklist contained in section 1(3) of the Children Act 1989.
17. Given A's age, section 9(7) of the Children Act 1989 is also relevant, though arguably the application before me for the PSO is to vary an earlier PSO and what the section actually says is that "no court shall make any section 8 order, other than one varying or discharging such an order, with respect to a child who has reached the age of sixteen unless it is satisfied that the circumstances of the case are exceptional". It could thus be argued that exceptionality

does not have to be found to justify an extension of the existing PSO which was the application M originally made, but the PSO and CAO lapsed in June 2025 prior to being reimposed by me on 8th September 2025, and the case has proceeded on the basis that all parties have addressed the question of whether or not such orders are exceptionally justified at this point.

18. Practice Direction 12J is also relevant given the previous findings in respect of F in this case, particularly paragraphs 32 of that Practice Direction onwards since these consider what is necessary after findings of domestic abuse or harm have been made.
19. Section 91A and PD 12Q are also applicable in light of the potential section 91(14) order.
20. Section 42 of the Family Law Act 1996 enables a court to make a non-molestation order either on application or of the court's own motion in Family proceedings. Section 42(7) enables a court to make an order for a specified period or until further order, it is not limited to the duration of Family proceedings save by reference to subsection (8) which states that a non-molestation order made in other Family proceedings ceases to have effect if those proceedings are withdrawn or dismissed. That latter does not specify that an order made in other Family proceedings ceases to have effect on the making of final orders in those proceedings, however in this case an application to extend the non-molestation order was made in any event.
21. As noted earlier, Re A, B and C (Child Arrangements: Final Order at Dispute Resolution Appointment)

[2025] EWCA Civ 55 is also relevant since I determined that this case could be finalised on submissions without hearing evidence. Analysis and Findings

22. The first relevant welfare checklist heading in this case is the ascertainable wishes and feelings of A in light of her age and understanding. As I have noted, she is nearly 17 years old and nearly an adult, so her wishes and feelings must be given much greater weight than would be the case for a much younger child. Her wishes and feelings have been extensively explored in the previous and current litigation. As was noted by Recorder Hocking in his final judgment in June 2022 (the second substantive judgment concerning arrangements for A – A19-A33 in the bundle): “the litigation history of this case is dreadful. A is now nearly 13 years old. She has been the subject of legal proceeding (sic) between her parents for the vast majority of her life. Sadly she is all too aware of those proceedings, and of the high level of conflict between her parents. She has been drawn into a bitter adult dispute between people she loves at ages when she is far too young to be expected to carry this burden. She has become at best the battlefield over which her parents fight, at worst the actual weapon with which they fight. And she knows it, for which the lion's share of responsibility rests with F” (A20). This theme of A being drawn into the adult dispute and the majority of the responsibility for that resting with F continued into the proceedings before HHJ Lloyd-Jones. When A was younger, as all three previous judges noted, A wanted to see both her parents and enjoyed spending time with her father. By the time of HHJ Lloyd-Jones'

judgment on 10th January 2023, F had breached previous court orders designed to provide a clear framework for when A spent time with him. F consistently refused to take up the Court ordered contact, in fact as both Recorder Hocking and then HHJ Lloyd-Jones found (A35). As HHJ Lloyd-Jones noted, very unusually she was presented with a committal application relating to breach of a court order by a parent refusing to take up the contact that had been ordered and instead seeking to spend time with the child outside of that order. The breaches also included F taking and retaining A outside of the time that been ordered, though. Importantly in relation to A's wishes and feelings, HHJ Lloyd-Jones noted that the reason for the previous PSO "was to prevent A from feeling overwhelmed by continually being approached by her father when it was not properly planned and to try and prevent her feeling torn between her parents. It has been said that she has found it very difficult to say no to her father" (A38). HHJ Lloyd-Jones also noted that, at that point whilst dealing with the contempt proceedings, "we do not know exactly what A wants now, except she is fed up with court proceedings" (A43). She went on to consider the conclusion of the welfare stage of the private law proceedings after the contempt proceedings and her judgment in relation to that on 11th January 2023 is also in the bundle for these proceedings. At that point, it was recorded by HHJ Lloyd-Jones that F had taken up direct contact for six weeks in June and July 2022, but apart from that he had not taken up the time with A that had been ordered (A49) and had in fact willfully and persistently breached the court order by continuing to try to make contact with A outside of the terms of the court order as she found in the contempt proceedings.

23. HHJ Lloyd-Jones noted, and was "horrified" by it, that F had communicated with A telling her that she needed to 'step-up' (effectively to tell people that she wanted to spend time with him). HHJ Lloyd-Jones found that A was trying to "placate and to appease" her father (A50). She went on to note when considering A's wishes and feelings that "what I am told about A's wishes and feelings is that what she says is she does not know. She does not know what she wants to happen. She is so confused and torn between her parents, she does not even want to be asked about it. She does not want to see professionals any more...The Guardian says that A just wants it all to stop...It seems to be that if possible A would want to see both parents, but it has all got too much for her. The inference I draw from 'I don't know' being her response when asked what she wants in terms of seeing her father, the inference I draw is: 'You decide. Grownups sort it out, please. I've had enough of this. Do not make me decide to see him or not to see him'. It is not A saying she is desperate to see him. In the context of his communications that I have seen and the professional evidence about A's tendency to want to placate him, it seems to me that her saying, 'I don't know' is actually a strong message that she is no longer asking to see him" (A51- A52). To put HHJ Lloyd-Jones' findings about A's then wishes and feelings in context, it is also important to note that HHJ Lloyd-Jones acknowledged that A had in the past enjoyed her time with F and she had seen videos showing this. F also returned to these videos as evidence of his positive past relationship with A in these proceedings. Despite this, HHJ Lloyd-Jones concluded that A had changed her wishes and feelings from being entirely positive about spending time with

F to the position that she no longer wanted this but was instead trying to placate him and wanted the fighting to stop. HHJ Lloyd-Jones also noted that the relationship between A and her father was damaged by her witnessing him assault her mother, and that “direct contact with F has not served A well over the last 10 years” (A57). Importantly, she also concluded that if F could stick to the court order that she had determined was in A’s welfare interests, “A will get some peace to think about what she wants. I expect in the future that will include a relationship with him, and I believe that Mother will encourage it if the conditions are right. The conditions being right will include Father having done some therapy” (A57). HHJ Lloyd-Jones also noted, having found that the risk of going to prison had served as something of a ‘wake-up call’ for F, that she was “persuaded that the father has begun to see a need to change, but it is out of self-preservation, not an understanding of A’s welfare. He is still asserting that what A wants is to spend time with him. I do not accept that she is placating her mother. It is her father she has been trying to placate. Therefore, I do not accept when father asserts that is saying she wants to see him” (A54). Finally, and most significantly given the current proceedings, HHJ Lloyd-Jones made the orders that I noted earlier and stressed that “A must know that it is not her fault. This is an adult problem. It is a problem almost, not entirely but almost, entirely of F’s own making” (A58).

24. Which brings me up to date with the current proceedings and A’s wishes and feelings now. The evidence of the NYAS caseworker is key here. In addition to reading the previous case papers and particularly the previous judgments I have mentioned above, she saw A on her own on two occasions for her report. As set out at D2-D3 of her report, Ms Chambers acknowledged the importance of the history and the overall context when considering the development of her voice over time. As Ms Chambers noted, in contrast to previous observations of professionals and HHJ Lloyd-Jones’ findings, A’s “current presentation is more reflective and internally consistent. She expresses a clear wish for the continuation of the existing order, which she experiences as protective and necessary to her sense of safety. A does not want direct contact with her father at this time. While she has expressed some emotional openness to indirect contact, describing that ‘it would be nice’, she simultaneously demonstrated a realistic understanding of her father’s past behaviour and the likelihood he would not engage saying ‘he would never agree to that’ (D3). Prior to her second visit, F had contacted Ms Chambers and appeared open to writing a letter to A which Ms Chambers would pass on to her. A confirmed that she would like to receive the letter and even provided an email address for these purposes but, tragically for A, F did not produce the letter after all. Ms Chambers concluded that “given A’s age, maturity and the evolution of her expressed views, [Ms Chambers would] attach significant weight to her wishes and feelings. They appear to be grounded in her lived experience and represent a more settled and autonomous approach than previously observed” (D3). I find that this is the correct factual and welfare-based approach in respect of A’s wishes and feelings at this point. She will be seventeen in a few weeks and has therefore just over a year of her childhood left. Her wishes and feelings must be given considerable weight because she is nearly an adult. The context of her developing wishes and feelings may have started with both of her parents

failing to protect her from their adult conflict about her, but it swiftly moved on to F being almost entirely responsible for seeking to directly influence her and failing to put her welfare first in pursuing his agenda about the time that he thought A should spend with him. It is not, as F sought to portray in his evidence and submissions to me, at this point due to anything that M has or hasn't done to promote the relationship. A has direct experience of F failing to do what is in her best interests and causing her emotional harm in so doing. I am therefore satisfied that A genuinely does not want to see F face to face at this point but is open to the possibility of indirect contact if F can bring himself to comply with this. I am also satisfied that A is genuinely fearful of F seeking to approach her directly when she doesn't want this, and she wants the protection of the current orders to continue. This includes protection from a non-molestation order for the rest of her secondary and tertiary education. It was telling that M told me A is fearful of moving too far afield for university because of her concern that F may track her down. Whilst A did not specifically articulate this to Ms Chambers, it is consistent with what Ms Chambers noted about the emotional impact on A of the chronic conflict and the sense of safety and security that she did tell Ms Chambers came from the protection of the orders (D6).

25. The next relevant welfare checklist heading is the physical, emotional and educational needs of A. As previous judges noted, A is of dual heritage and has an identity need to understand that part of her heritage that comes from her father and his side of the family as well as the part of her heritage that comes from her mother and the maternal side of her family. However, as Ms Chambers noted in her report, "A's primary needs are emotional stability, predictability and the opportunity to continue her development free from further conflict. Her childhood has been blighted by ongoing proceedings and parental discord, which has had a clear impact on her emotional wellbeing" (D3). She also has some mental health needs, including an eating disorder, and has historically been reluctant to engage in therapeutic intervention but has recently agreed to engage in support. As Ms Chambers concluded that therapeutic input "will require a consistent and emotionally safe environment in order to be effective" (D3). It is also not in dispute that A can experience periods of emotional dysregulation during periods of stress, which Ms Chambers concluded "is, in my assessment, likely indicative of the cumulative impact of trauma and prolonged stress. It reinforces the importance of minimising additional emotional pressures and maintaining a stable environment" (D3). A is therefore, I find, a child who has additional mental health and emotional needs arising from the corrosive effect of being subject to conflict and Family Court proceedings for most of her life so far. I also find that this is, at this point, due to F's failure to accept that he is almost entirely responsible for the continuation of the conflict by not accepting that A did not want to spend time with him, not accepting that his actions in the past have caused A harm and by failing to engage with indirect contact with A thereby depriving A of any relationship with him by his own choice. He is also responsible for causing A trauma, and therefore harm, by failing to comply with previous court orders, including by persisting in trying to make contact with A in the past and by not sending A indirect communications as permitted by court orders. Refusing to

acknowledge and accept her views at her age is also likely to be a cause of further distress to A, I find.

26. The likely impact on A of any change in circumstances is the next relevant heading. Failing to extend the protection of previous orders would result in a significant change for A which, as Ms Chambers concluded, would be highly likely to heighten her anxiety (D4). It would also remove a sense of safety which Ms Chambers noted is providing A with reassurance and the ability to function with a degree of predictability in her day-to-day life. Ms Chambers also concluded that “given the history of breaches and the father’s approach to boundaries, such a change would introduce uncertainty and is highly likely to heighten A’s anxiety. This is particularly concerning in light of her existing emotional vulnerabilities and her recent decision to engage with therapeutic support” (D4). I note that extending the protection afforded by the orders would mean that A would not be able to have a direct relationship with her father, as well as potentially her wider paternal family. This would not be a change of circumstances since the last set of proceedings concluded in 2023 and the current position, though.
27. The next relevant checklist heading is the age, sex, background and any relevant characteristics of A that the court considers relevant. I have already covered these aspects above and do not need to add more.
28. Any harm which A has suffered or is at risk of suffering is the next relevant welfare checklist heading. Ms Chambers summarised the position in her report thus: “A has experienced emotional harm arising from prolonged exposure to conflict, repeated breaches of court orders, and her involvement in legal proceedings. This has been clearly noted in four court judgments dating back to 2020...Now in 2026, it continues still. The requirement for her to give evidence against her father in court was a particularly distressing experience” (D4-D5). Ms Chambers also noted that, as found by previous judges, A has been exposed to distressing incidents between her parents, conflict arising around collection from school, F acting in a ‘cruel’ manner towards her, F disregarding A’s emotional needs, F involving her in inappropriate situations including secret contact in breach of court orders. As a result, it was Ms Chambers’ opinion that “there remains a real risk of further emotional harm should the current protective framework be removed. This includes the risk of renewed exposure to conflict, unwanted contact, emotional pressure, and destabilisation” (D5). In my view this is both an accurate summary of the harm that A has suffered and of the harm that she is at risk of suffering if protective orders were not continued. F has demonstrated absolutely no acceptance of his considerable part in the circumstances that led to A’s wishes and feelings at this point, nor the harm that she has suffered as a result of his actions. He has also demonstrated in both his statement and his oral submissions to me that he blames M entirely and does not accept A’s wishes and feelings are her legitimate wishes and feelings. The fact that he wanted the court to endorse a situation where A was forced to see him in person despite her strong and clear wishes and feelings, and does not accept that she genuinely fears him trying to make contact with her, is a clear demonstration of his inability

to put A's welfare above what he wants and thinks is right for her. This is precisely what both Recorder Hocking and HHJ Lloyd-Jones feared would happen, and they both feared that F would not participate in indirect contact even though that would enable him to preserve his relationship with A. Strikingly, F's position seems to be exactly the same as HHJ Lloyd-Jones found it to be it had been in 2020 when "F was not able to work with the order from October 2020 which was an order which gave a substantial amount of time for A to spend with both parents, a very normal order in these sorts of proceedings. F was focused instead on his conviction that the right order was for A to have half her time with each of her parents, and he was not prepared to accept less" (A47). At this point, A remains open to indirect contact which is not always the case when a child of her age is so opposed to direct contact, but the only reason this is not happening is because F only wants contact on his terms and in accordance with his wishes in the same way that he approached this issue in 2020 and again in 2023. It is not a child-focused approach and amply illustrates the sort of rigid thinking that previous judgments concluded F had. At best, F has acted thoughtlessly a times in pursuing his own fixed agenda that A should spend the time that he wants with him, at worst he has been found to have acted in a 'cruel' manner towards his own child. Ms Chambers noted this, and also that F continues in these proceedings to blame everyone and everything else, including the Family Court system, for the fact that A does not spend in person time with him (D5). I agree with Ms Chambers' analysis, and the sad fact is that F does not accept any of the previous findings about his behaviour towards A, has not made any changes since those findings were made (particularly those in 2023 in both the contempt and welfare judgments), and lacks any insight about the harm that his actions have caused and would be likely to cause A. F's approach to parenting remains 'adult-focused' as Ms Chambers concluded (D6), evidenced by his fixed position that he has done nothing wrong and that M is to blame for A's reluctance to spend time with him, and his refusal to engage in indirect contact when A positively wants this. As Ms Chambers said, "I would assess that F sees the world through his own lens and is unable to see it through A's. This has been a prevailing observation at various times over the past few years" (D6).

29. Parenting capability is the next relevant checklist heading. As I have noted above, there remain valid and significant concerns about F's parenting capability as assessed by both previous professionals and now by Ms Chambers. Those concerns are about his inability to adopt a child-focused approach, the harm that he has caused A by refusing to accept what has been ordered in her best interests, and I would add the high risk of him causing A further emotional harm by failing to accept what she wants at nearly 17 years old. In contrast, whilst M's written evidence also demonstrated some inability to move on from past events and conflict, the professional evidence both in the past and up to date confirms that there are no concerns about her parenting capability. I also found her to be reflective and child-focused in her written evidence and oral submissions to me, in marked contrast to F.

30. Finally, the court must consider the range of powers available under the Children Act 1989. I could make no order, which is the starting point of the legislation. I could make the orders sought by extending the existing indirect only contact arrangement between A and her father and the PSO and could extend the existing non-molestation order. I could also make a section 91(14) order or not.
31. I have reminded myself that a section 91(14) order does not prevent F or M from making any applications, it just prevents them from applying for orders under the Children Act without the permission of the court. Applying section 91A, and PD12Q, I have also reminded myself that a court may make a s91(14) order where it is satisfied that the making of an application for an order under the Act of a specified kind by any person who is to be named in the order would put the child concerned at risk of harm, and that harm includes the impairment of mental health.
32. Based on the evidence before me, I am satisfied that A continues to need a high level of emotional security, and that her sense of safety is clearly enhanced by the current protective orders. There is no credible evidence that M has sought to use the non-molestation order to have F arrested inappropriately, despite F's submissions to the contrary. There are current pending criminal proceedings in relation to alleged breaches of the non-molestation order which F denies, but more significantly there are also repeated and significant previous breaches of court orders by F in the past when he believed that he should be able to see A when he wanted rather than when was in her welfare interests, most notably those that resulted in F being sentenced to a suspended custodial term in 2023 before HHJ Lloyd-Jones. Whilst he has not been the subject of further contempt proceedings, I am concerned that he has shown absolutely no remorse for those earlier breaches nor, more importantly, for the cruelty that he has exposed A to and the fear that his actions have engendered in her by his relentless campaign to make A spend time with him as he wants. His comment during this hearing to the effect that he would not comply with court orders echoes what he told previous judges in previous proceedings and was deeply concerning. As Ms Chambers noted in her conclusions, "in the absence of sustained behavioural change or insight [by F], I would not be satisfied that a reduction in safeguards would be safe or appropriate. Any rebuilding of a relationship would need to be gradual, child-led, and dependant (sic) upon the father demonstrating consistency and respect for boundaries" (D7). Further, in relation to the possible s91(14) order, her opinion was that "further applications would be likely to cause A emotional harm and undermine the stability she now requires as she approaches adulthood. Whilst I recognise that the court would not ordinarily entertain further applications in respect of a child of A's age without good reason, the making of such an order would provide an additional and clear safeguard" (D7).
33. F said in his statement that "A has said she wants the orders to continue because they make her feel safe. That statement alone should break anyone's heart. A child should not need court orders to feel safe from her own parent. The court must finally ask the right questions: what exactly is A being told, and by whom? What exactly is A afraid of? What risk, if any

does her father pose?” (C10). F has rightly identified the main questions the court has had to consider in this case, but strikingly goes on in that statement to blame M for the fear that A feels rather than accepting that it is his actions over a number of years that have led to A feeling unsafe without orders to protect her from his actions, I find. He erroneously claims that the only person alleging risk is M, when various judges and professionals including Ms Chambers have concluded that F has caused A harm and poses an ongoing risk of harm to her by his refusal to accept that A does not want to see him in person and would be exposed to significant emotional harm if she were to be forced to encounter him on her way to school or simply going about her day to day business. A has experienced that in the past and remains fearful of it as the written evidence amply demonstrates. F also accuses M of controlling the narrative and seeking to deny A’s paternal identity– there is no credible evidence of this, but it is also open to F to have indirect contact with A, which would enable her to maintain her relationship with him and promote her paternal identity, but this needs F to set aside his rigid thinking and to put A’s needs first to actually take up the opportunity of regular indirect contact with her. A is open to that, M supports it, NYAS has concluded it is in A’s welfare interests, and I also agree with that assessment, so the only obstacle to that indirect contact at this point is the fact that F cannot bring himself to participate in it. That is solely down to him, not A, M or anyone else. I accept, just as HHJ Lloyd-Jones did, that in the past F had warm and loving contact with A when she was much, much younger. However, that was before he then proceeded to systematically ignore what every court and professional was telling him was in A’s welfare interests, including that indirect contact was in her best interests, and to persist in a false narrative of his own that he has not in any way been responsible for A’s views moving over the years to a position where she is against wanting to see him when he wants and when he thinks is right. It is deeply concerning that he completely fails to acknowledge that, at nearly 17 years old, A needs to be able to concentrate on her exams and then university without worrying that he might yet again try to insert himself directly into her life against her strong and clear wishes and feelings. That she remains open to indirect contact is remarkable given the history that she has experienced at the hands of a father who cannot put her first. F criticised the court for allowing A to be “completely cut off from her father” (C14). However, the only reason he has been completely cut off from A is due to his actions at this point, including not taking up the opportunity of indirect contact that was permitted under the last court order.

34. F also alleged in his statement that the NYAS report provided no evidence that A’s stated wishes are authentic (C15). It is not precisely clear what he meant by this, since Ms Chambers described meeting with A on two occasions, speaking with her privately, and carefully exploring A’s views. Ms Chambers also acknowledged the impact of the years of adult conflict on A but, ultimately, just as HHJ Lloyd-Jones concluded in 2023, it is F who bears almost all the responsibility for the impact of that conflict on A and thus for A not wanting to see him in person.

35. F also criticised both previous and current courts for not investigating his allegations of alienating behaviours, and for not re-visiting the previous findings made against him. I know he is not legally represented, but it has been explained to him several times by me (and, I am sure, by other judges before me) that those findings stand, they were made after careful consideration of all relevant evidence, and the concerns about F that those findings identified have been reinforced by his conduct since those proceedings concluded and in particular by the way in which he has approached these current proceedings. I directed that F was to cover in his evidence what he has done to address the risks and concerns about him identified by HHJ Lloyd-Jones. He did not address this at all. He provided no acknowledgement that he may have done anything wrong in the past, did not accept that he needs to change things for A's sake, and I find therefore remains at high risk of seeking to make direct contact with A against her stated wishes and feelings. He also remains highly likely not to respect her as an autonomous, nearly adult individual, and risks putting her sense of stability and security in jeopardy and thus threatening A's emotional and educational well-being.
36. It is not necessary to prolong these proceedings further at this point, and in light of the clear evidence of the direct emotional harm that this would cause to A. It is necessary and proportionate and exceptionally justified in light of the findings I have made above and the previous findings of my colleagues, for the existing section 8 orders to be continued until A turns 18. This means that there will be a CAO whereby F may have indirect contact only with A by way of F sending her letters, gifts or cards no more than once per fortnight. There will also be a PSO preventing F from meeting or attempting to meet A or to have any communication with her except as provided in the CAO order. There will be a penal notice attached to the PSO so that if F breaches it, he is again at risk of being found to be in contempt of court and may be committed to prison. That latter aspect is necessary and proportionate since it seems only the risk of being sent to prison in committal proceedings worked to secure some compliance with court orders by F. There will also be a section 91(14) order preventing F from making further applications without the permission of the Court, that order will cover both applications for orders under section 8 of the Act or to enforce under the Act the child arrangements order for indirect contact, and that order will also last until A turns 18. An order against M is not necessary or proportionate. I will also direct that, if F does make an application for permission to apply during the currency of the s91(14) order, notice of that application will not be served on M or A via her rule 16.4 Guardian, and will initially be determined without an oral hearing. Any such application will be reserved to me, if available. This order is necessary and proportionate in the circumstances of a case where A has been subjected to litigation for most of her childhood, although I accept that most of the latter applications were initiated by M those were, as HHJ Lloyd-Jones previously found, driven by F's actions and his persistent false belief that what he wanted for A was in her welfare interests, as well as F's complete refusal to accept A's clear wishes and feelings. The duration of the order does mean that F will not be able to make any applications as of right for the remainder of A's childhood, but the sad reality for A is that

she only has just over a year of her childhood left at this point. It, and the PSO, will protect A from further emotional harm from F's actions whilst she completes her secondary education and prepares for tertiary education. It will also enable her to focus on her studies without becoming dysregulated from the stress of fearing what F may do without those orders. It is also not an absolute bar to any application from F; it simply requires him to obtain the court's permission to apply as I noted earlier. To assist him if he were to make an application for permission to apply, it would be expected that he could show that he had reflected upon the various previous findings about him, had accepted them, showed insight into the harm that he had caused A in the past, and made changes to ensure that he was able to put A's welfare rather than what he wanted first. He would also need to show that he had consistently complied with the order for indirect contact and that he had respected the boundaries of the protective orders by not breaching them in any way.

37. Finally, I will also grant a non-molestation order in the same terms as that originally made by HHJ Lloyd-Jones in 2023, which will prevent F from using or threatening violence against A, or encouraging or in any way suggesting that any other person should do so, from intimidating, harassing or pestering A, or encouraging or in any way suggesting that any other person should do so, from telephoning, texting, emailing or otherwise contacting or attempting to contact A (including via social networking websites or other forms of electronic messaging), from meeting or attempting to meet A or to have any communication with her except indirectly by way of letters, gifts or cards no more than once per fortnight. In particular, F must not be on foot within 100 metres of A's school or her usual route between home and school or any tertiary educational institution at any time when she is likely to be making her way to or from school or tertiary educational institution, and in particular between 8am and 9am and 3pm to 4pm Monday to Friday during school term time while she remains at secondary school; he must not approach her and/or speak to her on her way to or from school or anywhere else, either within A's home town or anywhere else that he knows or believes that A may be living or staying. If there is a chance meeting, he may acknowledge A, but he must otherwise move away from her. He also must not approach A in person to give her biscuits, letters or anything else. He must not go to, enter or attempt to enter or go within 100 metres of any address where he knows or believes that A is living or staying. This order is necessary to protect A from F's actions and to secure her health, safety and well-being. It, and the other orders I have made, do not prevent A from reaching out to F if she wants to make contact with him directly or indirectly. That is much more likely to happen if F actually engages with the indirect contact, I find based on the evidence before me, so I would emphasise to F that it is therefore important that he take up the indirect contact that the orders do permit and try to communicate by way of letters, cards and gifts in a way that puts aside the adult conflict and, perhaps, apologises to A for what he has put her through in the past. The non-molestation order will last until A completes her planned tertiary education. M told me that A hopes to go straight to university after her A levels, and that A is understandably very wary of F trying to track her down at university. It seems clear to me that such wariness may be likely to impact on A's choice of university, especially since

M told me that she is currently not looking too far afield. Whilst I have taken into account that A could herself apply for a non-molestation order at 18, that would arise at a point when A would be potentially transitioning from school to university. M told me that A does not plan to take a gap year, and that the courses she is looking into are standard 3-year or 4-year courses. I will therefore make a non-molestation order that will last until 11.59pm on 30th July 2031 as that should provide A with the necessary protection to secure her health, safety and well-being until the end of her planned tertiary education. This is necessary and proportionate as a duration given the trauma her father's actions have caused her in the past and the risk of harm to her from his actions in future. I note that it would be open to either A or F to apply to discharge the non-molestation order sooner if A were to complete a university course that is less than 4 years, and have considered whether it would be appropriate to only order a duration of 3 years in the first instance. However, as I have noted, that could risk A having to make an application at a time in her education when the emotional and psychological impact on her would be potentially significant. It could also risk her educational achievement.

38. Although it is not necessarily required for the purposes of PD12G, as requested by NYAS, I will grant leave for M and A to disclose this judgment and the report of NYAS to any professional working with A in a therapeutic capacity.
39. Finally, I wish to reiterate something that HHJ Lloyd-Jones also noted in her judgment in January 2023. Although A's wishes and feelings are an important part of my decision, the responsibility for her feeling as she does is not hers. It is nearly entirely due to F, though in the early years there clearly were some things that various judges noted M could have done differently or better. At this point, the only person who needs to change the way he approaches things and, in particular, his relationship with A, is F. If F can stop thinking in such rigid and controlling terms about only wanting to see A in accordance with his wishes, and if he can engage in regular, child-focused indirect contact with A as permitted by my orders, then there is still time for him to rebuild his relationship with A as Ms Chambers noted. Forcing A to see F face to face when she does not want that and where that would cause A emotional harm is not in her welfare interests as I have concluded, but would also be likely to cause A to be even less willing to have any relationship with F. It is therefore up to F, and F alone, to comply with my court orders and put A's welfare first. Given that F has breached court orders in the past, I would also remind him that courts take breaches very seriously and any further breaches dealt with by way of contempt would be very likely to result in an immediate custodial sentence since he has previously been subject to a suspended sentence. Breaching a non-molestation order is also a serious criminal offence. I would urge F to really listen to what he has now been told over a number of years by different judges and professionals and to consider what he has done wrong in the past, put aside his sense of grievance about the actions of M in the past, and to really put A first and engage in indirect contact with her as the orders permit. Perhaps, as I noted earlier, even consider apologising to A as a first step to rebuilding their relationship. 13th May 2026 30

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